

REMARKS

The outstanding Office Action states that an election is required of species drawn to the invention that is the method for preparation of nano or microparticles containing an active substance embedded in a polymer matrix (Claims 1-9), and the products by process obtained therefrom (Claims 10 and 11). It is not clear to the undersigned whether restriction is required between these delineated claims, and no analysis is provided in the Office Action to support a restriction between these claim groups. The Office Action further goes on to require election of:

1. A single specific active substance and
2. A single specific polymer.

Election and Comments

The undersigned was not able to reach the Examiner to clarify the election requirement after recognizing the potential ambiguity, and so this election is filed at this time to expedite prosecution.

In the event that the proper interpretation of the Office Action includes a two-way restriction as well as an election of species, Applicant hereby elects Method claims 1-9.

As species, Applicant elects goserelin acetate as the active substance, and poly (DL-lactide-co-glycolide) as a polymer. All claims are readable on the elected species.

The above elections are made with traverse.

It is respectfully submitted that the presently identified groups should be examined together, because there is a technical relationship among the claimed inventions that define a contribution over the prior art.

Claim 1 relates to a method for the preparation of nano- or microparticles containing an active substance embedded in a polymer matrix, comprising the steps of: a) effecting precipitation of an active substance in a solution which comprises a polymer dissolved in an organic solvent to obtain a suspension of the active substance, b) mixing the obtained suspension with an aqueous surfactant solution and solidifying the polymer to obtain a suspension of nano- or microparticles which contain an active substance.

Claim 10 depends from the method claims, and is drawn to Nano- or microparticles obtainable according to the method of any of claims 1 to 9.

Thus, the claims are clearly linked in reciting the common technical feature of the process of claim 1. Unity of Invention is therefore clearly established, and all claims should be examined together.

Additionally, restriction of the examined invention to the elected species would be improper, because the present invention provides advantage to active substances which are sensitive with respect to their conformation and their stability, and which might be affected by conventional encapsulation processes. The present invention also provides advantages for active substances that are not particularly sensitive in providing a convenient method of achieving the encapsulation at a high efficiency. The examined invention therefore should not be limited to a single active substance to be embedded into the polymer matrix. Likewise, applicants have described a wide range of polymers that are similarly useful in the invention as defined by applicant. Applicants are entitled to claim their invention as they see fit. The examined invention therefore should not be limited to a single polymer by virtue of the Patent Office classification system.

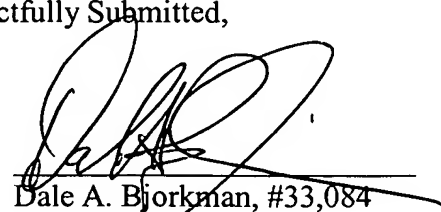
Conclusion

In view of the above election and remarks, it is respectfully submitted that the foregoing is fully responsive to the outstanding Restriction Requirement. Examination of all claims together, and early favorable consideration and passage of the above application to issue is earnestly solicited. In the event that a phone conference between the Examiner and the Applicant's undersigned attorney would help resolve any issues in the application, the Examiner is invited to contact said attorney at (651) 275-9811.

Dated: July 18, 2006

Respectfully Submitted,

By:


Dale A. Bjorkman, #33,084
Customer No. 33072
Phone: 651-275-9811
Fax: 651-351-2954